

## Message Text

LIMITED OFFICIAL USE

PAGE 01 MTN GE 00894 091156Z

44

ACTION STR-04

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 IO-11 ISO-00 STRE-00

AGR-05 CEA-01 CIAE-00 COME-00 DODE-00 EB-07 FRB-03

H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01

AID-05 CIEP-01 SS-15 ITC-01 TRSE-00 USIA-06 PRS-01

SP-02 FEAE-00 OMB-01 AF-06 OIC-02 /134 W

----- 117682

R 091035Z FEB 76

FM USDEL MTN GENEVA

TO SECSTATE WASHDC 1115

INFO AMEMBASSY BONN

AMEMBASSY BRASILIA

AMEMBASSY BRUSSELS

USMISSION EC BRUSSELS

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY HELSINKI

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY MEXICO

AMEMBASSY NEW DELHI

AMEMBASSY PARIS

USMISSION OECD PARIS

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY ROME

AMEMBASSY PRAGUE

AMEMBASSY BUDAPEST

AMEMBASSY STOCKHOLM

AMEMBASSY TOKYO

AMEMBASSY WARSAW

AMEMBASSY WELLINGTON

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 MTN GE 00894 091156Z

LIMITED OFFICIAL USE MTN GENEVA 0894

ACTION STR

H PASS CODEL

E.O. 11652: N/A

TAGS: ETRD, GATT

SUBJECT: MTN: NTM SUBGROUP MEETING ON STANDARDS

1. SUMMARY: SUBGROUP MOVED CLOSER TO AGREEMENT ON SUBSTANCE OF CODE'S OPERATIVE PROVISIONS BUT UNABLE TO RESOLVE MANY DRAFTING DIFFICULTIES. MEETING CHARACTERIZED BY US AND EC WILLINGNESS TO MOVE FORWARD, INFLEXIBLE POSITION OF JAPAN, AND CANADIAN PREOCCUPATION WITH DETAIL. DEVELOPING COUNTRIES SOUGHT SPRINKLING OF SPECIAL TREATMENT THROUGHOUT CODE. END SUMMARY.

2. DRAFT CODE: SUBGROUP REVIEWED PROPOSALS CONTAINED IN MTN/NTM/W/25, ADD. 1, 2 AND 3. SUBSTANCE AGREED ON MANY OF OPERATIVE PROVISIONS BUT DIFFICULTIES ENCOUNTERED IN AGREEING ON PRECISE WORDING. OUTSTANDING PROPOSALS WILL BE COMPILED BY GATT SECRETARIAT FOR REVIEW AT NEXT MEETING.

3. DEFINITIONS: SUBGROUP RESUMED WORK ON ADAPTATION OF ECE/ISO DEFINITIONS FOR USE IN DRAFT STANDARDS CODE. BERGHOLM (FINLAND), CHAIRMAN OF ISO DEFINITIONS DRAFTING GROUP, REPORTED THAT ECE/ISO HAD ACCEPTED MINOR AMENDMENTS TO DEFINITIONS BASED ON NTM SUBGROUP WORK IN SEPTEMBER AND INDICATED ISO IS WILLING TO CONSIDER REQUESTS FOR FURTHER AMENDMENTS. JAPAN (TERADA) MAINTAINED POSITION THAT DEFINITIONS PREVIOUSLY FORMULATED BY GATT DRAFTING GROUP WERE PREFERABLE. EC (SCHLOSSER) AND NORDICS (STALBERG) SUPPORTED USE OF ECE/ISO DEFINITIONS WITH NORDICS ARGUING THAT WORK IN GROWING NUMBER OF STANDARDS ORGANIZATIONS WOULD BE BASED ON ECE/ISO DEFINITIONS. EFFECTIVENESS OF POSSIBLE MTN STANDARDS CODE WOULD BE ENHANCED IF IT WERE BASED ON INTERNATIONAL OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 MTN GE 00894 091156Z

TIONALLY ACCEPTED DEFINITIONS. U.S. (KELLY) SUPPORTED BY AUSTRALIA, OBSERVED THAT SUBGROUP HAS AGREED ON SUBSTANCE OF MOST DEFINITIONS AND THAT SOME PRESENTATIONAL DIFFERENCES COULD BE RECONCILED BY ISO ADOPTION OF SUBGROUP MODIFICATIONS. SUBGROUP AGREED TO FORWARD MODIFICATIONS TO ECE/ISO FOR ITS CONSIDERATION AT FEBRUARY 9 MEETING OF ISO WORKING GROUP ON DEFINITIONS. HAHN OF AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

AND MEMBER OF U.S. DEL WILL ATTEND.

4. CODE COVERAGE: CANADA (DENIS) REQUESTED SUBGROUP TO REEXAMINE OLD ASSUMPTION THAT GOVERNMENT PROCUREMENT IS EXCLUDED FROM DRAFT CODE AND TO CONSIDER EXPLICIT EXCLUSION OF PATENTS, TRADE MARKS, CERTIFICATION MARKS, REGISTERED INDUSTRIAL DESIGNS AND COPYRIGHTS. EC ASKED WHETHER EXCLUSION OF SINGLE ENTERPRISE STANDARDS THROUGH A DEFINITION WOULD EXCLUDE GOVERNMENT PROCUREMENT, IMPLYING THAT GOVERNMENT PROCUREMENT MIGHT BE COVERED IN CODE. SUBGROUP AGREED TO REVERT TO THIS TOPIC AT APPROPRIATE TIME.

5. DEVELOPING COUNTRIES: WITH EXCEPTION OF MEXICO, DEVELOPING COUNTRIES GENERALLY BETTER INFORMED AND MORE HELPFUL THAN IN PREVIOUS MEETINGS. DEVELOPING COUNTRIES UNIFIED IN REQUESTING REFERENCES TO SPECIAL TREATMENT IN CODE. BRAZIL CANDIDLY STATED THAT SUCH REFERENCES NECESSARY THROUGHOUT CODE PRIMARILY FOR POLITICAL RATHER THAN SUBSTANTIVE REASONS. AS ALTERNATIVE APPROACH, U.S. PROPOSED INSERTION OF ONE GENERAL STATEMENT REGARDING SPECIAL CONSIDERATION OF DEVELOPING COUNTRIES AND AGREED TO PREPARE LANGUAGE FOR FUTURE CONSIDERATION.

6. BALANCE OF OBLIGATIONS: JAPAN, RAISING CONCERN REGARDING BALANCE OF OBLIGATIONS, PROPOSED REVISIONS THAT WOULD PLACE ABSOLUTE, RATHER THAN BEST EFFORTS, OBLIGATIONS ON CENTRAL GOVERNMENTS WITH REGARD TO MANDATORY STANDARDS ACTIVITIES OF STATE AND LOCAL GOVERNMENTS. U.S. REPLIED THAT FACT OF LIFE IS THAT FEDERAL GOVERNMENTS COULD NOT ASSUME SUCH OBLIGATION AND SUBGROUP AGREED TO REVERT TO ISSUE AT LATER DATE.  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 MTN GE 00894 091156Z

7. NATIONAL TREATMENT: ISSUE OF DISCRIMINATORY CERTIFICATION SYSTEMS PROMPTED REITERATION OF WELL-KNOWN POSITIONS.

8. TECHNICAL ASSISTANCE: IN SECTION DESIGNED TO PROVIDE DEVELOPING COUNTRIES WITH TECHNICAL ASSISTANCE IN STANDARDS ACTIVITIES, MEXICO PRESENTED PROPOSAL WHEREBY ADHERENTS TO CODE "SHALL GRANT" TECHNICAL ASSISTANCE IF REQUESTED INSTEAD OF CURRENT OBLIGATION THAT ADHERENTS "SHOULD CONSIDER" SUCH REQUESTS. JAPAN OPPOSED THIS PROPOSAL AS AMOUNTING TO BLANK CHECK. U.S. NOTED THAT MEXICAN PROPOSAL MEANT DEVELOPING ADHERENTS ALSO WOULD BE OBLIGATED TO PROVIDE TECHNICAL ASSISTANCE, AND WAS JOINED BY EC IN SPECULATING THAT STANDARDS

ORGANIZATIONS IN SOME DEVELOPING COUNTRIES WERE PROBABLY MORE EXPERT THAN DEVELOPED COUNTRIES IN CERTAIN AREAS. IN SUCH CASE, U.S. INQUIRED IF DEVELOPING COUNTRIES WOULD OBSERVE PROPOSED REQUIREMENT TO PROVIDE ASSISTANCE UPON EVERY REQUEST. BRAZIL, SUPPORTED BY OTHER DEVELOPING COUNTRIES, OFFERED COMPROMISE PROPOSAL WHEREBY ADHERENTS "SHALL GRANT TECHNICAL ASSISTANCE ON MUTUALLY AGREED TERMS AND CONDITIONS".

9. DISPUTE SETTLEMENT: CANADA PROPOSED IN MTN/NTM/W/25/ADD.1 A STRICT ENFORCEMENT PROCEDURE PROVIDING FOR STANDING PANEL AUTHORIZED TO RECOMMEND SANCTIONS. CHARACTERIZING VIEWS AS PRELIMINARY, U.S. OBSERVED THAT, WHILE CODE DISPUTE SETTLEMENT PROVISIONS SHOULD BE INDEPENDENT OF GATT ARTICLE XXIII PROCEDURES, CODE SHOULD PERMIT GATT CONCESSIONS TO BE WITHDRAWN AS SANCTIONS FOR IMPAIRMENT OF OBLIGATIONS UNDER CODE. JAPAN, EC AND MEXICO BELIEVED CONSIDERATION OF TOPIC PREMATURE UNTIL OPERATIVE SECTIONS CLOSER TO FINAL AGREEMENT. JAPAN INDICATED PREFERENCE FOR PRESENT GATT PROCEDURES. EC COMMENTS GENERALLY NEGATIVE. CANADIAN PROPOSAL SUPPORTED IN PRINCIPLE BY SWITZERLAND, BRAZIL, ISRAEL, ANDEAN COUNTRIES, INDIA, EGYPT AND NIGERIA. SUBGROUP AGREED TO REVERT TO SUBJECT AT NEXT MEETING.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 MTN GE 00894 091156Z

10. FUTURE WORK: SECRETARIAT AGREED TO PREPARE ADDITIONAL DRAFT CODE CONTAINING ALTERNATIVE TERMINOLOGY BASED ON ECE/ISO DEFINITIONS AND CONTAINING AMENDMENTS TO TEXT OF CODE THAT HAVE ACHIEVED SUBSTANTIAL AGREEMENT. THIS ADDITIONAL DRAFT WOULD NOT REPLACE ORIGINAL DRAFT BUT WOULD BE USED TO CLARIFY MATTERS AND TO FACILITATE FURTHER PROGRESS. MARKS OF ORIGIN NOT DISCUSSED AT PRESENT MEETING BUT WILL BE TAKEN UP AT NEXT MEETING, SCHEDULED FOR ONE WEEK, BEGINNING MAY 17, 1976. WALKER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** STANDARDS, COMMITTEE MEETINGS, MEETING REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976MTNGE00894  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760048-0724  
**From:** MTN GENEVA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19760268/aaaachrj.tel  
**Line Count:** 210  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION STR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 24 MAR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <24 MAR 2004 by ElyME>; APPROVED <02 JUN 2004 by morefirh>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MTN: MTM SUBGROUP MEETING ON STANDARDS  
**TAGS:** ETRD, US, GATT, MTN  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006